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UNITED STATES OF AMERICA

10 UNITED STATES DISTRICT COURT  
11 FOR THE CENTRAL DISTRICT OF CALIFORNIA

12 UNITED STATES OF AMERICA,  
13 Plaintiff,  
14 v.  
15 ALEXANDER SMIRNOV,  
16 Defendant.

No. 2:24-CR-00091-ODW

STIPULATION REGARDING REQUEST FOR  
(1) CONTINUANCE OF TRIAL DATE AND  
(2) FINDINGS OF EXCLUDABLE TIME  
PERIODS PURSUANT TO SPEEDY TRIAL  
ACT

**CURRENT TRIAL DATE:** 04/23/2024  
**PROPOSED TRIAL DATE:** 12/02/2024

19  
20 Plaintiff United States of America, by and through its counsel of  
21 record, the Office of Special Counsel David C. Weiss, and defendant  
22 Alexander Smirnov ("defendant"), both individually and by and through  
23 his counsel of record, David Z. Chesnoff and Richard A. Schonfeld,  
24 hereby stipulate as follows:

25 1. The Indictment in this case was made public on February 15,  
26 2024. Defendant was arrested in the District of Nevada on the evening  
27 of February 14, 2024, and he first appeared before a judicial officer  
28 on the instant charges the following day, February 15, 2024. Defendant

1 was transported to this District on February 23, 2024 and had his first  
2 appearance in this District on February 26, 2024. The Speedy Trial  
3 Act, 18 U.S.C. § 3161, originally required that the trial commence on  
4 or before April 25, 2024.

5 2. On February 26, 2024, the Court set a trial date of April  
6 23, 2024. Dkt. 40 (Criminal Minutes - Arraignment). No date had been  
7 set for a pretrial conference or a discovery cut-off.

8 3. Defendant is currently detained pending trial. The parties  
9 estimate that the trial in this matter will last approximately Seven  
10 judicial days.

11 4. By this stipulation, the parties move to continue the trial  
12 date to December 2, 2024. This is the first request for a continuance.

13 5. The parties requests the continuance based upon the following  
14 facts, which the parties believe demonstrate good cause to support the  
15 appropriate findings under the Speedy Trial Act:

16 a. Defendant is charged with making a false statement to a  
17 government agent in violation of 18 U.S.C. § 1001 (Count 1) and causing  
18 the creation of a false record in a federal investigation in violation  
19 of 18 U.S.C. §§ 1519 & 2 (Count 2). The government has made an initial  
20 production of discovery and will continue to make additional  
21 productions in the coming weeks. Defendant has requested, and the  
22 government will be producing, among other things, electronic data  
23 obtained by the government pursuant to search warrants; one of these  
24 datasets alone contains more than 4 million files, and another dataset  
25 contains more than 2.5 million files. Of particular note, a substantial  
26 portion of the electronic data is in languages other than English.  
27 Defendant anticipates having to engage a translator to review certain  
28 data.

b. Defense counsel are presently scheduled to be in trial on the following cases between April 23 and December 2:

1. Both Counsel Chesnoff and Schonfeld have trial in the case of *United States v. Zafaranchi*, Case Number CR-22-122, in the United States District Court for the Western District of Washington, set to commence on September 16, 2024. The Presiding Judge is the Honorable John C. Coughenour. It is anticipated that said trial will last several weeks as the Defendants are charged with Conspiracy to Commit Wire Fraud, Wire Fraud, Money Laundering, and Destruction of Records. The Indictment in this case was returned on August 18, 2022. There have been two trial continuances. This case has been set for trial since July 17, 2023, and it is not anticipated that any continuance will be requested;
2. Both Counsel Chesnoff and Counsel Schonfeld have trial in the case of *United States v. Halajyan*, Case Number 2:22-cr-00002-RBF-EJY, in the United States District Court for the District of Nevada, set to commence on October 7, 2024. The Presiding Judge is the Honorable Richard Boulware. It is anticipated that this trial will last one week. The Defendant is charged with Conspiracy to Make a False Statement in Acquisition of Firearms and False Statement in Acquisition of Firearms. This trial has been continued six times and it is not anticipated that another continuance will be sought;
3. Counsel Schonfeld has trial in the case of *Howard v. Howard*, Case Number D554036, in the California Superior Court, San Diego, set to proceed on June 10, 2024 and June 12, 2024. This is a contempt of court trial. The presiding Judge is the Honorable Euketa Oliver. This trial has been set since late 2023 and involves child custody. The family court trial calendars are congested in this Court and therefore it is not anticipated that any continuance will be requested;
4. Counsel Schonfeld has trial in the case of *Howard v. Howard*, Case Number D554036, in the California Superior Court, San Diego, set to proceed on a different trial issue on June 17, June 18, and November 7. This is a trial related to protective orders and child custody. The presiding Judge is the Honorable Kimberly Parker. The first two days of this trial have been set since late 2023 and involve child custody. The family court trial calendars are congested in this Court and therefore it is not anticipated that any continuance will be requested;



5. Counsel Schonfeld has trial in the case of *State of Nevada v. Warrender*, Case Number C-23-376950, in the Eighth Judicial District Court, State of Nevada, set to proceed on June 24, 2024. The presiding Judge is the Honorable Danielle Chio. This is a trial where the Defendant is charged with Attempted Murder with a Deadly Weapon, Assault with a Deadly Weapon, and Discharging a Firearm. This trial will likely last a between one and two weeks. The Indictment in this case was returned on September 13, 2023, and the trial has been continued one time. There is a possibility that this trial will be continued; however, no such dialogue has been engaged in by the parties at this time;
6. Counsel Schonfeld has trial in the case of *United States v. Cardone*, Case Number 2:23-cr-20598-BAF-DRG, set to proceed on August 13, 2024. The presiding Judge is the Honorable Bernard A. Friedman. This is a trial where the Defendant is charged with Conspiracy to Commit Wire Fraud. This trial will likely last one week. This trial has been continued twice and is likely to proceed as scheduled;
7. Counsel Schonfeld has trial in the case of *State of Nevada v. Kayarath*, Case Number C-23-374424-1, in the Eighth Judicial District Court, State of Nevada, set to proceed on August 19, 2024. This trial is on a "stack" meaning that it will not necessarily proceed on August 19, 2024, but will proceed within weeks of that date, especially in light of the Cardone trial being scheduled for one week earlier. The presiding Judge is the Honorable Ronald Israel. This is a trial where the Defendant is charged with Attempted Murder with Use of a Deadly Weapon, Battery Resulting in Substantial Bodily Harm, Assault with a Deadly Weapon, Discharging a Firearm, and Possession of a Firearm by a Prohibited Person, Trafficking in Controlled Substance, and Possession of a Controlled Substance with Intent to Sell. This trial will likely last more than one week. The Indictment in this case was returned on June 2, 2023, and the trial has been continued one time. The Defendant is in custody and it is difficult to anticipate if this trial will be continued. The Parties have not engaged in any dialogue regarding a trial continuance; however, they have requested a judicial settlement conference;
8. Counsel Schonfeld has trial in the case of *United States Securities Exchange Commission v. Collector's Coffee, Inc. et al*, Case Number 19-cv-04355, in the United States District Court for the Southern District of New York, set to proceed on October 21, 2024. The Presiding Judge is the Honorable Victor Marrero. In this case Counsel Schonfeld represents

1 the intervenor Plaintiffs against the Defendants and  
2 Intervenor Defendants related to a property dispute of  
3 significant value. The case is complex, given the parties  
4 involved, the intervenor nature of the trial, and the history  
5 of the litigation. Summary Judgment proceedings have  
6 concluded related to the Intervenor claims, the SEC trial  
7 concluded, and the Court has set the Intervenor case for  
8 trial. This trial will likely last two weeks. Counsel  
9 Schonfeld on behalf of his three Intervenor Plaintiff clients  
10 requested an October trial date by way of pleading on  
11 February 9, 2024. Accordingly, absent some unanticipated  
12 event, Counsel Schonfeld will not be seeking a continuance  
13 of this trial. The Intervenor Complaint was filed on  
14 September 9, 2019.

15 c. In light of the foregoing, counsel for defendant also  
16 represent that additional time is necessary to confer with defendant,  
17 conduct and complete an independent investigation of the case, conduct  
18 and complete additional legal research including for potential pre-  
19 trial motions, review the discovery and potential evidence in the case,  
20 and prepare for trial in the event that a pretrial resolution does not  
21 occur. Defense counsel represent that failure to grant the continuance  
22 would deny them reasonable time necessary for effective preparation,  
23 taking into account the exercise of due diligence.

24 d. In addition to the above, the government has invoked  
25 the Classified Information Procedures Act ("CIPA"), apprising the Court  
26 that it "need[s] to bring to the Court's attention certain discovery  
27 issues or other matters relating to classified material." Dkt. 48.  
28 As part of that process, defense counsel are working with the Court-  
appointed Classified Information Security Officer ("CISO") to obtain  
the necessary security clearances. Furthermore, considering the CIPA-  
related issues that may arise in this case, the government has developed

1 what it believes is a reasonable schedule to accommodate CIPA  
2 litigation.

3 e. Defendant believes that failure to grant the continuance  
4 will deny him continuity of counsel and adequate representation.

5 f. The government does not object to the continuance.

6 g. The requested continuance is not based on congestion of  
7 the Court's calendar, lack of diligent preparation on the part of the  
8 attorney for the government or the defense, or failure on the part of  
9 the attorney for the Government to obtain available witnesses.

10 6. The parties propose the following additional briefing and  
11 hearing dates:

12 a. Briefing:

13 i. Government's Initial CIPA Section 4 filing: **June**  
14 **24, 2024.**

15 ii. Defendant's CIPA Section 5 notice: **July 29, 2024**  
16 **or no later than two weeks after the Court's ruling on the Government's**  
17 **CIPA Section 4 filing (whichever is later).**

18 iii. Defendant's Motions: **August 19, 2024.**<sup>1</sup>

19 iv. Government's Objections to Defendant's CIPA  
20 Section 5 & government's CIPA Section 6(a) filing: **Three weeks after**  
21 **Defendant's CIPA Section 5 notice.**

22 v. Defendant's Reply in CIPA Section 5 and Response  
23 to government's CIPA Section 6(a): **Two weeks after government's CIPA**  
24 **Section 6 filing.**

25  
26  
27 <sup>1</sup> Should the government disclose new information to Defendant  
28 after the date Defendant's motions are due, Defendant may seek leave  
of Court to file additional motions based on the newly provided  
information.



vi. Government's Response to Defendant's Motions:  
**September 16, 2024.**

vii. Defendant's Reply to Government's Response:  
**September 30, 2024.**

viii. CIPA Section 6(c) Filings: **TBD - if  
necessary.**

ix. Motions *in Limine*: **November 1, 2024.**

x. Responses to Motions *in Limine*: **November 15, 2024.**

xi. Joint Proposed Jury Instructions and Verdict Form,  
Joint Statement of the Case & Proposed Voir Dire: **November 18, 2024.**

b. Hearing Schedule:

i. CIPA Section 4 Hearing: **TBD - if necessary.**

ii. CIPA Section 6 Hearing: **TBD (October, 2024).**

iii. Hearing on Defendant's Motions: **TBD (October,  
2024).**

iv. Pretrial Conference & Hearing on Motions *in Limine*  
(if necessary): **November 25, 2024.**

7. For purposes of computing the date under the Speedy Trial Act by which defendant's trial must commence, the parties agree that the time period of April 12, 2024 to December 2, 2024, inclusive, should be excluded pursuant to 18 U.S.C. §§ 3161(h)(7)(A), (h)(7)(B)(i) and (h)(7)(B)(iv), because the delay results from a continuance granted by the Court at defendant's request, without government objection, on the basis of the Court's finding that: (i) the ends of justice served by the continuance outweigh the best interest of the public and defendant in a speedy trial; (ii) failure to grant the continuance would be likely to make a continuation of the proceeding impossible, or result in a miscarriage of justice; and (iii) failure to grant the

1 continuance would unreasonably deny defendant continuity of counsel  
2 and would deny defense counsel the reasonable time necessary for  
3 effective preparation, taking into account the exercise of due  
4 diligence.

5 8. In addition, the parties agree that the time period of  
6 February 15, 2024 to February 26, 2024, inclusive, should be excluded  
7 pursuant to 18 U.S.C. §§ 3161(h)(E) & (F), because it constitutes a  
8 delay "resulting from any proceeding relating to the transfer of a case  
9 or the removal of any defendant from another district under the Federal  
10 Rules of Criminal Procedure" and "resulting from transportation of any  
11 defendant from another district."

12 9. Lastly, the parties agree that the time period of March 15,  
13 2024 to March 19, 2024, inclusive, should be excluded pursuant to 18  
14 U.S.C. § 3161(h)(1)(D), because it constitutes a delay resulting from  
15 a pretrial motion, from the filing of the motion through the prompt  
16 resolution of the motion.

17 10. Nothing in this stipulation shall preclude a finding that  
18 other provisions of the Speedy Trial Act dictate that additional time  
19 periods be excluded from the period within which trial must commence.  
20 Moreover, the same provisions and/or other provisions of the Speedy  
21 Trial Act may in the future authorize the exclusion of additional time  
22 periods from the period within which trial must commence.

23 IT IS SO STIPULATED.  
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1 Dated: April 12, 2024

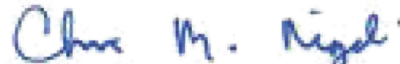
Respectfully submitted,

2 DAVID C. WEISS  
Special Counsel

3 LEO J. WISE  
4 Principal Senior Assistant Special  
Counsel

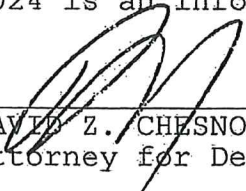
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7 SEAN F. MULRYNE  
8 Assistant Special Counsel

9   
10 CHRISTOPHER M. RIGALI  
Assistant Special Counsel

11 Attorneys for Plaintiff  
12 UNITED STATES OF AMERICA

13 I am defendant Alexnader Smirnov's attorney. I have carefully  
14 discussed every part of this stipulation and the continuance of the  
15 trial date with my client. I have fully informed my client of his  
16 Speedy Trial rights. To my knowledge, my client understands those  
17 rights and agrees to waive them. I believe that my client's decision  
18 to give up the right to be brought to trial earlier than December 2,  
19 2024 is an informed and voluntary one.

20   
21 DAVID Z. CHESNOFF, ESQ.  
22 Attorney for Defendant

23   
24 Date